

## PATENT (5760-13100/VRTS 0263

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Cuong H.	otember 16, 2003	<i>\$</i> \$	the United States Postal 3 class mail in an envel Patents, P.O. Box 1450, date indicated below.	Unknown 2183 5760-13100 correspondence is being deposited with Service with aufficient possage as first operaddressed to Commissioner for Alexandria, VA 22313-1450, on the ence J. Merkel egistered Sepresentative  March 9, 2004 Date
	INFORMATION DIS	CLC	SURE STATEM	ENT
Commissioner P.O. Box 1450 Alexandria, V.				
Sir:				
Applio	ant requests consideration of	the	references listed on t	the attached Form PTO-
1449 and/or ∑	the additional information idea	ntifie	d below in paragraph	n 3.
$\boxtimes$	A copy of each required refere	ence l	listed on the Form P	ΓO-1449 is enclosed.
	The references listed on the Foserial no to wi under 35 U.S.C. §120; therefore	hich t	the captioned applica	ition is seeking priority
	The present application is a U 2003, or an international appli § 371 after June 30, 2003. The patent application publication	icatio erefor	n that entered the na- re, copies of the cited	tional stage under 35 USC
1. This Ir	formation Disclosure Statemen	t is sı	ubmitted:	
a.	within 3 months of the continued prosecution			al application other than a

	b.	within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application; before the mailing date of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.  after the events of above paragraph 1 a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.
	c.	after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.
2.	It is he	reby certified:
		that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement;
		that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Statement; or
		that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three (3) months prior to the filing of the Statement.
3.	$\boxtimes$	Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:
		pp. 1-2 entitled "Background of the Invention" from the specification of the captioned application.
4.	For eac	ch non-English language reference listed on the attached Form PTO-1449:
		reference is made to an English language translation submitted herewith, and/or
		reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or $$
		reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or

## MAR 1 1 2004

## Application Serial No. 10/663,632 - Filed September 16, 2003

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•		reference is made to the concise explanation contained in the specification of the present application at page(s) and/or
		reference is made to the concise explanation set forth below:
5.		Applicant also offers the following comments for the Examiner's consideration:
6.		Also enclosed is a copy of a foreign search report citing these references.
7.		The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8.		Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.
	If any	required fees are missing, the Commissioner is authorized to charge said fees to
Meyer 13100/		ood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-
		Respectfully submitted

Lawrence J. Merkel Reg. No. 41,191 Attorney for Applicant(s)

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P. O. Box 398 Austin, Texas 78767 (512) 853-8800

Date: March 9, 2004

Form TO-1449 (modified)
List a Patents and Publications
Applicant's Information
Disclosure Statement
(Use several sheets if necessary)

ATTY. DKT. NO. 5760-13100

SERIAL NO. 10/663,632

APPLICANT: Cuong H. Tran

GROUP: 2183

FILING DATE: September 16, 2003

(U	se severa	al sheets it necessary)		E: September 16, 2003				
		U.	S. PATENT I	DOCUMENTS				
EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
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•								
				NT DOCUMENTS				
EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES/NO	
		OTHER ART (1)	cluding Author	. Title. Date. Pertinent l	Pages, Etc.)			
/C.Q/	Al	OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)  VERITAS Software Corporation, "Basics of Failover Management in Application Clustering Packages," July 7, 2003, 15 pages.						
/C.Q/	A2	Service Availability Forum, "Service Availability™ Forum Application Interface Specification," April 12, 2003, 50 pages.						
/C.Q/	A3	Cooper, "Replicated Distributed Programs," Proceedings of the 10 <sup>th</sup> ACM Symposium on Operating Systems Principles, December 1985, pp. 63-78.						
/C.Q/	A4	Birman, "Replication and Fault-Tolerance in the ISIS System," Proceedings of the 10 <sup>th</sup> ACM Symposium on Operating Systems Principles, December 1985, pp. 79-86.						
/C.Q/	A5	BEA, "BEA WebLogic Server™; Using WebLogic Server Clusters," BEA WebLogic Server Version 6.1, June 24, 2002, 145 pages.						

EXAMINER:

/Camquy Truong/

DATE CONSIDERED:

09/09/2008

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.